IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 139 OF 2005

1. Advent Corporation Private Ltd. .. Petitioner

Vs.

B.M.C. .. Respondent

Mr. A.H. Khatri for Petitioner.
Ms. Geet Joglekar for Respondent.

CORAM: B.H. MARLAPALLE, J.

Date : October 03, 2005.

P.C.:

1. Heard the learned counsel for the petitioner. Suit No.6551 of 1968 was filed by the Petitioner in the City Civil Court at Mumbai challenging two different notices issued under Sections 353 and 354-A of the Mumbai Municipal Corporation Act 1888. As per the petitioner the trial court was pleased to return the plaint by its order dated 8/2/1971 and the petitioner failed to do so. Misc. Application No.37 of 2005 came to be moved in Suit No.6551 of 1968 and by the impugned order dated 5/7/2005 the same has been partly allowed with a direction to return the plaint to the plaintiff. However, the plaintiff had prayed

for return of the plaint along with the original documents. The trial court has not considered the petitioner’s prayer for the original documents to be returned along with the plaint and hence this revision application.

2. This revision application under Section 115, therefore, cannot be entertained against the impugned order. The revision application is rejected with liberty as is available in law.

(B.H. Marlapalle,J.)